

UNITED STATES DISTRICT COURT

for

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 24, 2019

SEAN F. MCAVOY, CLERK

U.S.A. vs. Lloyd, Shane Marcus Docket No. 0980 1:18CR02028-LRS-1

Petition for No Action on Conditions of Pretrial Release

COMES NOW Linda Leavitt, PRETRIAL SERVICES OFFICER, presenting an official report upon the conduct of defendant Shane Marcus Lloyd, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge Mary K. Dimke sitting in the court at Yakima, Washington, on the 4th day of June, 2018, under the following conditions:

Special Condition #4: Defendant shall participate in the Smart Start program to monitor alcohol abstinence. Defendant shall be required to carry a portable breathalyzer testing device, which can require tests up to six times a day. Defendant is responsible for the cost of the testing device.

RESPECTFULLY PRESENTING PETITION FOR NO ACTION OF COURT FOR CAUSE AS FOLLOWS:

Violation #1: Shane M. Lloyd is alleged to have failed to submit to his scheduled Breathalyzer test on January 18, and 22, 2019.

On June 5, 2018, the conditions of pretrial release supervision were reviewed and signed by Mr. Lloyd. The defendant acknowledged an understanding of his conditions, which included special condition number 4.

On June 5, 2018, confirmation was received from Smart Start indicating the defendant enrolled in their Breathalyzer testing program. The defendant was enrolled for daily testing between the hours of 5:30 a.m. and 6:30 a.m.

On January 18, 2019, the defendant called and left this officer a voice message stating he missed his Breathalyzer test at 6 a.m., however, he took one at 6:32 a.m. This officer reviewed the Smart Start report and confirmed the test was submitted late. It is noted the results were negative.

On January 22, 2019, this officer received a report from Smart Start that the defendant missed his test at 6:30 a.m. This officer was out of the office; therefore, United States Probation Officer (USPO) Casey contacted the defendant. The defendant admitted he missed his test and stated his cell phone battery died and his alarm did not go off. USPO Casey had the defendant submit to a Breathalyzer test at 8:46 a.m. The test returned negative.

Despite the defendant having missed the above-noted tests, to his credit, all tests provided have returned with negative results. As a result of this non-compliance, the defendant has been reminded of his requirement.

PRAYING THAT THE COURT WILL ORDER NO ACTION AT THIS TIME

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on: January 23, 2019

by s/Linda J. Leavitt

Linda J. Leavitt
U.S. Pretrial Services Officer

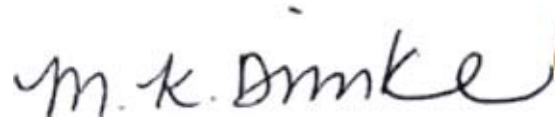

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THE COURT ORDERS

- ☒ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other

Signature of Judicial Officer

1/24/2019

Date